REMARKS

I.   Overview

These remarks are set forth in response to the Non-Final Office Action. As this amendment has been timely filed within the three-month shortened statutory period, neither an extension of time nor a fee is required. At the time of the First Office Action, Claims 1 through 12 were pending and rejected in this application. In the Non-Final Office Action, claims 1 through 12 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication 2005/0010896 by Meliksetian et al. (Meliksetian) in view of U.S. Patent Application Publication 2003/0018476 by Yuen et al. (Yuen)

Notwithstanding, **Applicant has cancelled claims 6 through 12 rendering many of these rejections moot**. Specifically, in this Amendment, Applicant has cancelled claims 6 through 12 from further consideration in this application. Applicant is not conceding that the subject matter encompassed by claims 6 through 12 is not patentable. Claims 6 through 12 were cancelled in this Amendment solely to facilitate expeditious prosecution of the remaining claims. Applicant respectfully reserves the right to pursue additional claims, including the subject matter encompassed by claims 6 through 12, as presented prior to this Amendment in one or more continuing applications.

II.   The Applicants' Invention

The Applicants have invented a method, system and apparatus for compiling and caching programmatic script embedded in voice markup. In Applicants' invention, programmatic script embedded in voice markup can be identified for processing in a voice markup language

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interpreter. When the interpreter engages in a parsing and validation phase of the embedded script, an object can be created which represents a compiled form of the resource defined by the embedded script. In this regard, the created object can include operative functionality which corresponds to the operative functionality defined by the script. The created object, acting as a representation of the embedded script, subsequently can be compressed and cached for retrieval at a later time.

In operation, when a request is processed by the voice markup interpreter which causes the retrieval of the voice markup either from disk storage or from the cache, the cached object representation of the compiled script also can be retrieved from the cache. Using the object representation, the operable functionality of the object representation can be interpreted in place as if the embedded script had been re-compiled and interpreted by the voice markup interpreter. Yet, by utilizing a cached object representation of the script, the script need not be re-parsed and re-compiled, thereby generating a significant performance advantage over previous method of processing voice markup.

III.   Rejections Under 35 U.S.C. § 103(a)

A.   Characterization of Maliksetian

Maliksetian claims a program product, system and method for transforming data between an XML representation and a relational database system. In Maliksetian, a mapping description is created in a mark-up language such as XML and XSL. The mapping description specifyies a set of conditions for source data to satisfy. As such, when mapping to XML, an XML output format is specified in the mapping description and the data is formatted accordingly.

Conversely, when mapping to a RDBMS, actions to be executed on the RDBMS tables are specified in the mapping description and the actions are perfomed.

B. Characterization of Yuen

Yuen discloses a method for organizing, editing, and prioritizing the Web-based data before dialog creation. As described in Yuen, the method includes harvesting the Web-based data source in the form of its original structure, generating an object tree representing the logical structure and content type of the harvested, Web-based data source, manipulating the object tree generated to a desired hierarchal structure and content, creating a voice application template in VXML and populating the template with the manipulated object tree, and creating a voice application capable of accessing the Web-based data source according to the constraints of the template. According to Yuen, the method allows streamlining of voice application deployment and executed state and simplified development process of the voice application.

C. Removal of Maliksetian as a Reference under 35 U.S.C. § 103(c)

Applicants observe that Maliksetian and the present patent application are commonly assigned to International Business Machines Corporation. Applicants further observe that Maliksetian qualifies as art under 35 U.S.C. § 102(e) in that the filing date of Maliksetian precedes Applicants' filing date of March 30, 2004, but the publication date of Maliksetian post dates Applicants' filing date as Maliksetian published on January 13, 2005. As set forth in M.P.E.P. 2146 in reference to 35 U.S.C. § 103(c):

> Effective November 29, 1999, subject matter which was prior art under former 35 U.S.C. 103 via
> 35 U.S.C. 102(e) was disqualified as prior art against the claimed invention if that subject matter
> and the claimed invention "were, at the time the invention was made, owned by the same person or
> subject to an obligation of assignment to the same person." This amendment to 35 U.S.C. 103(c)

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was made pursuant to section 4807 of the American Inventors Protection Act of 1999 (AIPA); see
Pub. L. 106-113, 113 Stat. 1501, 1501A-591 (1999).

Therefore, Applicants respectfully request the removal from consideration of Maliksetian as a

reference.

For the above reasons, the Applicant respectfully requests the withdrawal of the

rejections under 35 U.S.C. § 103. This entire application is now believed to be in condition for

allowance and such action is respectfully requested. The Applicants request that the Examiner

call the undersigned if clarification is needed on any matter within this Amendment, or if the

Examiner believes a telephone interview would expedite the prosecution of the subject

application to completion.

Respectfully submitted,

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